

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAVID ROGERS, ET AL.,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendants.

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Case No. 2012 CV 07220

Judge Edmond E. Chang

Magistrate Weisman

**DEFENDANT FORD MOTOR COMPANY’S PROPOSED JURY INSTRUCTION
REGARDING THIRD-PARTY TESTIMONY**

As requested during the jury instructions conference, Ford submits the following revised proposed jury instruction regarding third-party testimony. Ford maintains all objections and arguments previously filed and made with respect to the jury instructions and verdict form. Specifically, Ford maintains its objection to putting a separate line on the verdict form for future damages, which are unsupported by any evidence.

Third-Party Testimony (New Instruction)

You have heard testimony from Carline Dunlap and Althea Demps about alleged conduct that Plaintiff contends is similar to his complaints of discrimination and retaliation. You may not assume that if you conclude Plaintiff's supervisors engaged in that conduct toward these two individuals, they are more likely to have engaged in that conduct against Plaintiff. You may consider that testimony only for the limited purpose of deciding why Plaintiff's supervisors may have acted in particular ways.

Ford's Argument In Support Of Modifications:

Ford has revised its proposed instruction, as the Court requested at the jury instructions conference. Ford's proposed instruction explains the limited purpose for which this type of evidence may be admitted (*see* Fed. R. Evid. 404(b)), and reflects this Court's decision in *Young v. City of Harvey & Denard Eaves*, No. 15 C 11596, 2016 WL 4158952, at *3-4 (N.D. Ill. Aug. 4, 2016), where the Court explained that "evidence that supervisors discriminated or retaliated against other employees" may be relevant to the supervisors' "motive," but may not be admitted to show that "the defendant ha[s] once again acted in a certain way."

As discussed at the jury instructions conference, Ford respectfully submits that the Court should not give the first two sentences of Ford's proposed instruction without including a third sentence that is substantially similar to Ford's proposal.

Dated: January 18, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2020 the foregoing was filed with the Court using the ECF system, which provided electronic service to the following:

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